

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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HARVEY MIGUEL ROBINSON,	:	
Petitioner,	:	
	:	
v.	:	No. 2:06-cv-00829
	:	
JEFFREY BEARD, Commissioner, Pennsylvania	:	
Department of Corrections; DAVID	:	
DIGUGLIELMO, Superintendent of the State	:	
Correctional Institution at Graterford; FRANK	:	
TENNIS, Superintendent of the State Correctional	:	
Institution at Rockview; and LEHIGH COUNTY	:	
DISTRICT ATTORNEY,	:	
Respondents.	:	

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**ORDER**

**AND NOW**, this 2<sup>nd</sup> day of August, 2017, **IT IS ORDERED THAT:**

1. The Clerk of Court shall **TRANSFER** the above-captioned action to the **Civil Suspense Docket**, and **MARK** the case **CLOSED for statistical purposes**;
2. The Court shall **RETAIN** jurisdiction over the case and shall **RETURN** it to the Court's active docket once the case is ready to proceed to disposition;<sup>1</sup> and

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<sup>1</sup> Although there is "no universal requirement, either in the Federal Rules or any binding precedent, that district courts must obtain or read the entire record of state criminal proceedings for every habeas petition," the Third Circuit Court of Appeals had advised that such review is "an ideal practice." *Mandeville v. Smeal*, 578 F. App'x 149, 149-50 (3d Cir. 2014). In light of the seriousness of the instant habeas petition, which challenges Robinson's death sentence, this Court concludes that it is appropriate to await receipt of at least the relevant portions of the state court record. However, the underlying case was joined with two other cases for trial and a new sentencing hearing in one of those cases was recently held on July 17, 2017. *See Commonwealth v. Robinson*, CP-39-CR-0000056-1994 (Ct. Com. Pl. Lehigh Cty. filed Jan. 12, 1994). The state's docket does not reflect the outcome of this proceeding and, regardless, the time to file an appeal from this sentence has not yet expired. *See* Pa. R. App. P. 903(a) (providing that a notice of appeal "shall be filed within 30 days after the entry of the order from which the appeal is taken"). Once the matter is final in the state courts, this Court will issue an Order directing the

3. The entry of this Order is **without prejudice** to the rights of the parties.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Court

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state court to file copies of pertinent parts of the record. Until the record is received, the instant habeas petition is not ripe for disposition.